

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

POWERTRAIN, INC.,)	
a Mississippi Corporation,)	
)	
Plaintiff)	
)	Case No. 1:11-cv-00105-GHD-DAS
v.)	
)	
JOYCE MA, an Individual, and)	
)	
BEST MACHINERY &)	
ELECTRICAL, INC.,)	
a dissolved California Corporation)	
)	
Defendants and Third Party Plaintiffs)	
)	
v.)	
)	
WILLIAM H. SHAWN, an Individual, and)	
)	
SHAWNCOULSON, LLP,)	
a Washington, DC Limited Liability)	
Partnership)	
)	
Third Party Defendants)	
)	

**THIRD PARTY DEFENDANTS' AMENDED MOTION TO EXTEND TIME TO FILE
AND SERVE FOURTH PARTY COMPLAINT AND BRIEF IN SUPPORT OF MOTION**

COME NOW Third Party Defendants William H. Shawn and ShawnCoulson, LLP (collectively “Third Party Defendants”) and, by counsel, respectfully submit their Amended Motion to Extend Time to File and Serve Fourth Party Complaint. In support of their position, Third Party Defendants aver:

1. After over a year in which Third Party Defendants’ Motion to Dismiss (Doc. 57) had been pending and was later denied on September 24, 2013 (Doc No. 111), followed by the

Defendants-Third Party Plaintiffs' filing of an amended complaint (Doc. 114), neither of which Movants received, Magistrate Judge David A. Sanders presided at a telephonic status conference on December 16, 2013. Also present at the telephonic status conference were Plaintiff's counsel, Defendants' Counsel, and William H. Shawn, a Third Party Defendant.

2. Shortly after the telephonic status conference, Magistrate Judge Sanders issued an Order (Doc. 128), which, in part, provided:

The third-party defendant's motion *ore tenus* for leave to file its complaint against the lawyers/firms that allegedly represented the defendant, Ma, in the underlying Powertrain action, is granted. This fourth-party complaint shall be filed within fourteen days of this order and the proposed fourth-party defendants shall be served within twenty-eight days of this order.

3. As noted, Third Party Defendants never received a copy of Magistrate Judge Sanders' Order, and were unaware of any such dates set in the telephonic status conference.

4. Third Party Defendants, by their counsel, promptly filed their Motion to Extend Time to File Fourth Party Complaint (Doc. 130) on January 7, 2014. To date, the Motion is unopposed.

5. Third Party Defendants also filed their Motion for Continuance (Doc. 131) on January 15, 2014, requesting a continuance of the trial for six (6) months, which is scheduled for February 24, 2014. That Motion is unopposed, and pending.

6. Third Party Defendants and their Counsel, by this Motion, request an Order to Extend Time to File and Serve a Fourth Party Complaint twenty (20) days from the Order of this Court.

WHEREFORE, Third Party Defendants respectfully request their motion be granted, and that this Court grant such other and further relief as it may find just and necessary. A Proposed form of order is attached.

DATE: January 16, 2014

Respectfully submitted,

/s/William R. Wheeler, Jr.

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Attorney for Third Party Defendants
William H. Shawn and ShawnCoulson, LLP

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2014, I served a copy of the forgoing on all counsel of record via ecf.

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Third Party Defendants)	
)	

**ORDER GRANTING THIRD PARTY DEFENDANTS' AMENDED MOTION TO
EXTEND TIME TO FILE AND SERVE FOURTH PARTY COMPLAINT**

Having considered the Third Party Defendants' Amended Motion to Extend Time to File and Serve Fourth Party Complaint, the Court finds that Third Party Defendants' motion has merit and grants the Amended Motion to Extend Time to File and Serve Fourth Party Complaint.

THEREFORE, this ____ day of January, 2014, it is hereby ORDERED that Third Party Defendants' Motion, as amended, is GRANTED; and

Third Party Defendants have twenty (20) days from the date of this Order, or February ___, 2014, to file their Fourth Party Complaint and the proposed fourth party Defendants shall be served within twenty-eight days of this Order, or February ___, 2014.

ORDERED AND ADJUDGED this the _____ day of January, 2014.

UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
MISSISSIPPI, EASTERN DIVISION

Copies to:

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